

REMARKS/ARGUMENTS

The Office Action mailed February 5, 2008 has been received and the Examiner's comments carefully reviewed. Claim 10 is objected to because of informalities. Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk et al. ("The Roma Personal Metadata Service," Mobile Networks and Applications) (hereinafter "Swierk") in view of Masek (U.S. Publication No. 2005/0165884) and further in view of Roberts et al. (U.S. Publication No. 2005/0073991). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts, and further in view of Michener (U.S. Publication No. 2002/0198848). Claims 2-9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts and further in view of Peng (U.S. Patent No. 6,317,754). Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts, further in view of Michener, and further in view of Peng. Claims 1, 10 and 17 have been amended. No new matter has been added. The Applicants respectfully present the following for consideration.

Claim Objections

Claim 10 is objected to because of informalities. In response, Claim 10 has been amended to correct the wording. The Applicants respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. 103(a)

Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk et al. ("The Roma Personal Metadata Service," Mobile Networks and Applications) (hereinafter "Swierk") in view of Masek (U.S. Publication No. 2005/0165884) and further in view of Roberts et al. (U.S. Publication No. 2005/0073991). Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts, and further in view of Michener (U.S. Publication No. 2002/0198848). Claims 2-9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts and further in view of Peng (U.S. Patent No. 6,317,754). Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swierk in view of Masek, further in view of Roberts, further in view of Michener, and further in view of Peng.

With respect to Claim 1, the Office Action states that "Swierk discloses a method for synchronizing a device with data sources and allowing cross-pollination of the data sources (Page 408, Par. 5-7 & Page 409, Par. 5, Figure 1, the system can be used for synchronization and transfer of data between sources for synchronization or version management purposes); creating a first data source and a second data source (Page 408, Par. 5-7 & Page 409, Par. 5, as in Figure 1, a device can create two data sources such as a desktop and a laptop); connecting the device to a first data source (Page 408, Par. 5-7 & Page 409, Par. 5, as in Figure 1, the device can connect to a first data source such as a desktop); synchronizing the device with the first source (Page 408, Par. 5-7 & Page 409, Par. 5, Figure 1, the device can synchronize with the first source); connecting the device to a second source (Page 408, Par. 5-7 & Page 409, Par. 5, as in Figure 1, a

device can connect to a second source such as a laptop); and synchronizing the device with the second source, wherein the device may be used to cross-pollinate between the first data source and the second data source (Page 408, Par. 5-7 & Page 409, Par. 5, as in Figure 1, system allows for synchronization and cross-pollination between device and first and second sources). Swierk fails to explicitly disclose determining items to synchronize between the first data source, the second data source and the device, such that the device and the first source each include a same version of the items after synchronizing and such that the first data source, the second data source and the device each include the same version of the items after synchronizing and cross-pollinating. Whereas Masek teaches synchronizing a file between all of the different devices, including mobile devices in order to increase the efficiency of a system by allowing updates at one location to be reflected at another location, thereby replicating versions across all system devices. One of ordinary skill in the art at the time the invention was made would have modified the teachings of Swierk to include the method of multiple device synchronization and cross-pollination as taught by Masek in order to make the version management of software systems more efficient and to save time for users of multiple devices. The teachings of Swierk as modified by Masek do not explicitly disclose the first data source, the second data source and the device are user devices that are associated with a particular user. Whereas, Roberts teaches a synchronization management device that acts as an interconnect between two other personal devices used for synchronization purposes (Roberts, Par. 2, ln. 8-10 & par. 5 & par. 7, ln. 1-6). One having ordinary skill in the art, at the time the invention was made, would have modified the teachings of Swierk as modified by Masek to include the synchronizing agent as a distinct personal device amongst all the personal devices in the system in order to enable synchronization

between a user's multiple devices when the user owns more than two devices." The Applicants respectfully disagree but have amended the claims to more clearly define the invention.

Swierk is not directed at synchronizing files. Instead, Swierk is directed to making it easier to locate a current version of a file. In the Abstract, Swierk states that "We introduce the Roma personal metadata service to make it easier to locate current versions of personal files and ensure their availability across different repositories." In the conclusion on page 416, Swierk states that "This goal is achieved through the use of a centralized metadata repository that contains information about all of the user's files, whether they are stored on devices that the user himself manages, on remote servers administered by a third party, or on passive storage media like compact discs. The metadata can include version information, keywords, categories, digests and thumbnails, and the format is completely extensible." Swierk actually teaches away from synchronizing files between devices. On page 408, the fifth paragraph recites in part that "file synchronization tools let the user explicitly copy files between pairs of devices. Then the user can periodically invoke a synchronization operation that propagates changes made to files on one device to the copies on another device. **While this kind of system is well-suited to pairs of small devices that are only occasionally connected to a network, it does not solve the problems of tracking multiple versions of files across many repositories**" (emphasis added). Swierk does not provide synchronization as recited in the Applicants' claims.

Instead, the Roma system "provides an available, centralized repository of metadata, or information about a single user's files. The metadata format includes sufficient information to enable tracking each file across multiple file stores, such as a name, timestamp, and URI or other

data identifier.” (See page 408, first column, last paragraph) While Swierk teaches the use of a synchronization agent, there are many differences as compared to the Applicants’ claims. For example, the synchronization agents described by Swierk teach synchronizing metadata changes to the central repository and Swierk certainly does not teach synchronizing a same file to each device. Additionally, using the Roma system requires the user to locate the files they desire to work on. While the Roma system may make it easier to locate files that are on different devices, Roma does not teach that the files are synchronized to each device. If this were the case, then the file would already be on the device and the user would not have to look for it. In the last paragraph on page 409, Swierk states that “At the core of the Roma architecture (illustrated in figure 1) is the metadata server, a centralized, potentially portable service that stores information about a user’s personal files. The files themselves are stored on autonomous data repositories, such as traditional file systems, web servers and any other device with storage capability.” As can be seen, Swierk is concerned with maintaining a centralized data store regarding file information and is not directed at synchronizing files between devices.

Additionally, Swierk, nor any of the other cited references, teach that a device is used essentially as a shuttle to move items between the devices being synchronized. Masek does not cure these deficiencies. Among other differences, Masek is not directed at synchronizing user created items. Instead, Masek is directed at synchronizing user account information. Additionally, Masek does not teach using a single device to act as a shuttle between the sync sources. Instead, Masek teaches automatically propagating the user account information from one system to another system. At paragraph 29, Masek states that “In an operation 310, a user at terminal device 110 connects to remote server 114. Remote server 114 determines that the local

account has not been updated, in an operation 311. Remote server 114 then sends recently received updates to local terminal device 110, in an operation 312.” As can be seen, Masek does not teach that the terminal device is then used to shuttle any changes to another device. Instead, the remote server determines when devices have been synchronized.

Additionally, Roberts does not teach the recitations of Claim 1. Instead, Roberts is directed at synchronizing multiple devices at the same time. Roberts does not teach attaching a device to a first sync source and synchronizing and then attaching the device to a second sync source and then synchronizing. Instead, Roberts teaches connecting many devices at the same time such that they may be synchronized. Since none of the cited references teach cross-pollinating user devices using user devices actually synchronizing user created files, Claim 1 is proposed to be allowable. Claims 2-9 are proposed to be allowable as they depend from a valid base claim.

Claim 10, as amended, recites in part “determining first items to synchronize between the first data source and the device; wherein the first items comprise user created items; synchronizing the device with the first source such that the device and the first data source each include a same version of the first items after the synchronizing; after synchronizing the device with the first data source connecting the device to the second data source; wherein the device is configured to determine a version of each item on the first data source and the second data source and synchronize each of the first data source and the second data source to a latest version of each item.” Claim 10 is proposed to be allowable for at least the reasons presented above. Claims 11-16 are proposed to be allowable as they depend from a valid base claim.

Claim 17, as amended, recites in part “a device that is configured to act a shuttle between the at least two data sources to cross-pollinate, and that is configured to synchronize with the at least two data sources such that after synchronizing and cross-pollinating, the device and the at least two data sources include a same version of items that were selected to be synchronized; wherein the data sources and the device are user devices that are associated with a particular user; wherein the items comprise user created items; wherein the device is configured to determine a version of each item on the data sources and synchronize each of the data sources to a latest version of each item.” Claim 17 is proposed to be allowable for at least the reasons presented above. Claims 18-22 are proposed to be allowable as they depend from a valid base claim.

Conclusion

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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